

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION

CRIMINAL NO. 1:01CR48

UNITED STATES OF AMERICA )  
                               )  
                               )  
VS.                           )  
                               )  
                               )  
TIMNAH RUDISILL             )  
                               )  
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O R D E R

**THIS MATTER** is before the Court *sua sponte*.

The Defendant was sentenced by the undersigned on July 24, 2002, to a term of life imprisonment for conspiracy to possess with intent to distribute cocaine and cocaine base. **Judgment in a Criminal Case, filed August 19, 2002.** On June 24, 2009, the Probation Office filed a Supplement to the Defendant's presentence report pursuant to the Crack Cocaine Guideline Amendment. **Supplement to the Presentence Report, filed June 24, 2009.** The Probation Office advises that pursuant to Guidelines § 5G1.1, the sentence imposed may not be below the statutorily required minimum sentence. *Id. at 1.* If Amendment 706 had been in place at the time of Defendant's sentence, the guideline range would have

been the mandatory minimum sentence of life imprisonment; therefore, the new amendment has no effect on the Defendant's sentence. *Id.* Because this recommendation is adverse to the Defendant, the Court will require counsel be appointed to represent the Defendant and appointed counsel shall file an appropriate response.

**IT IS, THEREFORE, ORDERED** that the Federal Defender appoint counsel for the Defendant forthwith.

**IT IS FURTHER ORDERED** that appointed counsel file response to the Supplement to the Presentence Report within 30 days from entry of this Order.

The Clerk is directed to provide appointed counsel with a copy of this Order.

Signed: June 28, 2009

  
Lacy H. Thornburg  
United States District Judge